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Attorneys for Defendants
 REALNETWORKS, INC. AND
 LISTEN.COM

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRISKIT, INC.,

Plaintiff,

v.

REALNETWORKS, INC., et al.,

Defendants.

Civil Action No. CV 03-5085-WSS

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING EXPERT
 REPORT SCHEDULE**

Judge: Honorable William W. Schwarzer

STIPULATION AND [PROPOSED] ORDER REGARDING EXPERT REPORT SCHEDULE

Case No. CV 03-5085 WSS

87028.1

1 WHEREAS, on August 29, 2005, the Court ordered the parties to appear for a status
2 conference on Tuesday, October 4, 2005 at 10:30 a.m.;

3
4 WHEREAS, the Court further ordered the parties to submit by September 28, 2005,
5 separate status conference statements describing the issues in controversy and the anticipated
6 discovery and other proceedings;

7 WHEREAS, Plaintiff Friskit, Inc. ("Friskit" or "Plaintiff") and Defendants
8 RealNetworks, Inc. and Listen.com ("Real") agree that the current date for exchanging of expert
9 reports, September 16, 2005, should be extended due to the further discovery that both parties
10 desire to take;

11
12 WHEREAS, the parties will meet and confer to attempt to work out an agreed revised
13 schedule and, if the parties are unable to reach agreement, the parties will each provide their
14 proposed schedules in their September 28, 2005 separate status conference statements for
15 consideration by the Court;

16
17 WHEREAS, the October 4 status conference will be subsequent to the September 16 date
18 for exchanging expert reports;

19 WHEREAS, the parties do not wish to prepare and serve expert reports that will likely
20 require supplementation or amendment when further discovery is taken;

21 NOW THEREFORE IT IS HEREBY STIPULATED, by and between Plaintiff and
22 Defendants, through their respective counsel of record, as follows:
23

- 24 1. The September 16, 2005 date for exchanging expert reports shall be vacated.
25 2. The parties will address a new schedule for expert discovery at the October 4,
26 2005 status hearing and contemplate setting a new schedule at that time.
27
28

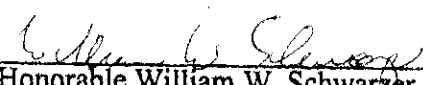
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PURSUANT TO STIPULATION, IT IS SO ORDERED, this 23^d day of September, 2005.


Honorable William W. Schwarzer
United States District Judge
Northern District of California

ATTESTATION OF E-FILED SIGNATURE

I, David A. Perlson, attest that signatory Jeffrey A. Pine has read and approved the
**STIPULATION AND [PROPOSED] ORDER REGARDING EXPERT REPORT
SCHEDULE** and consents to its filing in this action.

/s/ David A. Perlson
David A. Perlson

STIPULATION AND [PROPOSED] ORDER REGARDING EXPERT REPORT SCHEDULE
Case No. CV 03-5085 WSS